

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Chris Olmsted	Team: Squad #9	CCRB Case #: 202103249	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 05/30/2021 12:23 AM	Location of Incident: 580 Empire Boulevard	Precinct: 71	18 Mo. SOL 11/30/2022	EO SOL 11/30/2022	
Date/Time CV Reported Sun, 05/30/2021 2:30 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 05/30/2021 2:30 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. LSA Timothy Brovakos	00000	943025	071 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LSA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
B.LSA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos threatened to arrest § 87(2)(b)	
C.LSA Timothy Brovakos	Abuse: Lieutenant Timothy Brovakos threatened to notify Administration for Children's Services.	

Case Summary

On May 30, 2021, § 87(2)(b) filed this complaint with the CCRB via the website on behalf of himself and § 87(2)(b).

On May 30, 2021, at approximately 12:23 a.m., in the vicinity of 580 Empire Boulevard in Brooklyn, Lieutenant Timothy Brovakos of the 71st Precinct stopped a vehicle in which § 87(2)(b) and § 87(2)(b) were occupants (**Allegations A: Abuse of Authority, § 87(2)(g)**). § 87(2)(b)'s infant son was in the back of the vehicle. During the stop, Lieutenant Brovakos threatened to arrest § 87(2)(b) (**Allegation B: Abuse of Authority, § 87(2)(g)**), and threatened to have § 87(2)(b)'s son removed into Administration for Children's Services (ACS) custody (**Allegation C: Abuse of Authority, § 87(2)(g)**).

Lieutenant Brovakos was equipped with a body-worn camera (BWC) during this incident and activated it for 6:51. NYPD Legal provided the recording, AXON_Body_2_Video_2021-05-30_0023, to the CCRB on June 30, 2021 (Board Review [BR 01]).

This incident did not result in any summonses or arrests.

Findings and Recommendations

Allegation (A) Abuse of Authority: Lieutenant Timothy Brovakos stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

It is undisputed that at approximately 12:23 a.m. on May 30, 2021, Lieutenant Brovakos and officers under his command were on patrol in police vehicles when they encountered a vehicle with window tints that appear dark to the naked eye double parked outside 580 Empire Boulevard. Lieutenant Brovakos stopped the vehicle.

Lieutenant Brovakos's BWC recording of the incident confirms beginning at 01:00 that the vehicle he stopped had tinted windows. (BR 01)

New York Vehicle and Traffic Law § 375 12-a.(b)(2) states, "No person shall operate any motor vehicle upon any public highway, road or street: the sidings or side windows of which on either side forward of or adjacent to the operator's seat are composed of, covered by or treated with any material which has a light transmittance of less than seventy percent." (BR 02)

§ 87(2)(g)

Allegation (B) Abuse of Authority: Lieutenant Timothy Brovakos threatened to arrest § 87(2)(b).

Allegation (C) Abuse of Authority: Lieutenant Timothy Brovakos threatened to notify Administration for Children's Services.

It is undisputed that Lieutenant Brovakos and § 87(2)(b) had multiple interactions prior to this incident. One of their prior encounters, a vehicle stop § 87(2)(b), is the subject of CCRB investigation § 87(2)(b). BWC footage from that investigation shows that on April 30, 2021, Lieutenant Brovakos and officers under his command stopped § 87(2)(b) in the same vehicle § 87(2)(b) was driving during this incident. During the stop, officers determined that the temporary Texas license plate § 87(2)(b) had on the vehicle, the same temporary plate on § 87(2)(b)'s vehicle during this incident, was different from the also temporary license plate § 87(2)(b) had on his vehicle when he was arrested on § 87(2)(b). (BR 03)

Records related to § 87(2)(b)'s arrest in § 87(2)(b) are sealed. (BR 04) [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(g)]

Beginning at 04:32 in Lieutenant Brovakos's BWC recording of the incident, Lieutenant

Bravakos and § 87(2)(b) have the following conversation:

LSA Bravakos: Here's what's going to happen. Hear me out. Ok? Ready? I told you this last time: I told you you were going to go to jail the next time I stop you if you still have a fake plate on your car. That would be a reason for me to purposely seek you out, if you're driving around committing a crime. I'm actually not. But in the event that I was, I can purposely seek out people that are committing crimes. I'm a policeman. D'you understand that? That's part of my job. I gave you a break last time. Do you need another break to go get your car registered legitimately? And then – hold on, how about this – I'll give you another break, ok? I'll let you commit a crime again tonight. I'll let you go to the DMV tomorrow – ah – Tuesday, ok? And then come Wednesday I will purposely seek out your car, I'll look for you, I'll look for this car, I'll look for the fake plate, and when I see it –

§ 87(2)(b) For the fourth time.

LSA Bravakos: For the fourth time. And then if you still haven't learned your lesson, because you're too – you're not intelligent enough to learn your lesson, or you just don't care, if that's the case –

§ 87(2)(b) (unintelligible)

LSA Bravakos: Yes it is. If that's the case, then what I'll do is, then I'll arrest you, because you just can't learn. Ok? Do you need another break to learn?

§ 87(2)(b) (unintelligible)

LSA Bravakos: It's not right. It's not right that I'm letting you go, I should arrest you right now, but you've got your kid in the car. So I'm trying to do the right thing for the baby in the back. Otherwise I'd take you to jail right now. I'm being a human being. You should be very thankful.

§ 87(2)(b) It's foul.

LSA Bravakos: It is very foul. It's foul that I'm about to cut you a break and you're being disrespectful. I should take you to jail right now. Send your kid to ACS. You know what I'm saying? I'm trying to be nice. (BR 01)

Lieutenant Brovakos stated to the CCRB that during this incident, based on the temporary plates on § 87(2)(b)'s car and previous interactions with § 87(2)(b) Lieutenant Brovakos believed § 87(2)(b) to have forged license plates. Lieutenant Brovakos stated that he could have arrested § 87(2)(b) for that offense during the incident but that he used his discretion not to arrest § 87(2)(b) because § 87(2)(b)'s son was in the car.

Lieutenant Brovakos further stated that when he said, "I should take you to jail right now. Send your kid to ACS," he referred to ACS to "try to make § 87(2)(b) stop breaking the law, especially not with his kid in the car." He stated it did not occur to him at the time that there could be another legal guardian for the child. (BR 06)

§ 87(2)(g)

§ 87(2)(g)

NY Penal Law § 170.25 states, "A person is guilty of criminal possession of a forged instrument in the second degree when, with knowledge that it is forged and with intent to defraud, deceive or injure another, he utters or possesses any forged instrument of a kind specified in section 170.10. Criminal possession of a forged instrument in the second degree is a class D felony." (BR 07)

Patrol Guide Procedure 215-01 states, "The arrest of a parent/guardian does not in and of itself mandate a notification to the State Central Registry and ACS, and should not be made unless reasonable cause exists that the child is abused, neglected or maltreated, or an alternate caregiver cannot be located." (BR 09)

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to one other CCRB complaint and has been named as a victim in four other allegations.

- § 87(2)(b)

- Lieutenant Brovakos has been a member of service for 15 years and has been a subject in 35 other CCRB complaints and 141 other allegations, of which five were substantiated.

§ 87(2)(g)

- 201500206 involved a substantiated allegation of a vehicle search against Lieutenant Brovakos. The Board recommended Command Discipline B and the NYPD imposed formal training.
 - 201905132 involved a substantiated allegation of a discourtesy against Lieutenant Brovakos. The Board recommended Command Level Instructions and the NYPD imposed instructions.
 - 201910398 involved substantiated allegations of a discourtesy, a vehicle stop, and a failure to provide an RTKA card against Lieutenant Brovakos. The Board recommended Command Discipline A for each and the NYPD imposed no penalties for any.

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of April 14, 2022, the New York City Office of the Comptroller had no record of a Notice of Claim being filed in regards to this incident (BR 11).

§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 09

Investigator: Christopher Olmsted Investigator Chris Olmsted 04/07/2022
Signature Print Title & Name Date

Squad Leader: Monique West IM Monique West 06/14/2022
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date